

### **Remarks**

The Applicants have amended the Specification to place it into final condition for allowance. The Abstract has also been amended and a new Abstract on a separate sheet is enclosed.

The Applicants enclose appropriate English translations with respect to the Information Disclosure Statement referenced in the Official Action. A new Form PTO-1449 is enclosed for the Examiner's convenience. Entry into the official file, consideration on the merits and entry of an indication in the file evidencing such consideration is respectfully requested.

Claims 1-4 stand rejected under 35 U.S.C. §112 as being indefinite. The Applicants respectfully submit that the rejection is now moot in view of the cancellation of Claims 1-4. Nonetheless, new Claims 5-8, which roughly correspond to original Claims 1-4, respectively, do not contain the particular language referred to in the rejection.

Claims 1 and 3 stand rejected under 35 U.S.C. §102 as being anticipated by or, in the alternative, under 35 U.S.C. §103 as obvious over Higuchi. The Applicants respectfully submit that the rejection is now moot in view of the cancellation of Claims 1 and 3. Nonetheless the Applicants respectfully submit that Higuchi is inapplicable to new Claims 5 and 7, respectively.

Higuchi is directed to an artificial leather that is intended to have different color spot groups that are comprised of ultra fine fibers. In other words, Higuchi provides different colored fibers to comprise a nap that exhibits a mixture of colors as the nap or fibers are exposed to the dye. The result is that the colors provide different hues and lightness that, in combination, can provide a unique set of color properties.

As helpfully noted in the rejection, Col. 9 provides a typical example of the Higuchi artificial leather. It includes fibers that have been dyed red or blue and it further provides for a impregnating polyurethane that also contains carbon black. The resulting suede substrate had a mixture of red/blue

nap and carbon black contained in the impregnated polyurethane present among the red/blue nap. The substrate had three colors different in hues and lightness and a violet in subdued color tone over all.

The Applicants respectfully submit that the disclosure of Col. 9 fails to disclose, teach or suggest the Applicants' claimed subject matter which requires that the polyurethane contain at least one each of yellow pigments, red pigments and blue pigments. In the Higuchi teachings in Col. 9, the fibers contain red and blue dyes, but the polyurethane does not. Instead, it merely contains carbon black. Thus, those affirmatively claimed portions are not disclosed, taught or suggested by Higuchi. Further, as a result of the failure of Higuchi to include at least one of yellow, red and blue pigments, it would inherently follow that the claimed infrared reflectants, surface temperature and light fastness would be different. This is sharply contrasted to the requirement in a rejection based on inherency that the claimed characteristics must "necessarily" be present. The Applicants respectfully submit that their use of completely different pigments in a particularly claimed combination would "necessarily" result in different physical characteristics, not characteristics that are "necessarily" the same.

Higuchi discloses further examples beyond Example 1 in Col. 9. However, they too do not disclose, teach or suggest the Applicants' claimed subject matter. For example, Example 2 is directed to black coloring which does not disclose, teach or suggest the Applicants' claimed pigment combination and, inherently, necessarily would result in different characteristics.

Example 3 discloses fibers containing blue, yellow, red and orange dyes on the one hand and polyurethane containing black, white, yellow and brown pigments on the other hand. Again, this is a completely different color combination which would result in completely different characteristics.

Finally, Example 6, which spans Cols. 13 and 14, discloses dyed fibers including blue,

yellow, red and orange dyes combined with polyurethane containing black, white, yellow and brown pigments. The Applicants respectfully submit that Example 6 is inapplicable in the same manner as Example 3. There is no disclosure, no teaching and no suggestion of the Applicants' polyurethane containing at least one each of yellow pigments, red pigments and blue pigments and the associated characteristics. Again, the Applicants respectfully submit that the characteristics of the artificial leathers of all of the Higuchi leathers would inherently and necessarily be different from those of the Applicants. The Applicants therefore respectfully submit that Higuchi is inapplicable to all of the solicited claims under §102 and §103.

Claims 2 and 4 stand rejected under 35 U.S.C. §103 over the combination of Pedain with Higuchi. The Applicants respectfully submit that the rejection is moot in view of the cancellation of those claims. Nonetheless, the Applicants respectfully submit that the combination is inapplicable to new Claims 6 and 8. The Applicants respectfully submit that Pedain fails to provide teachings or suggestions to those skilled in the art that would cure the deficiency set forth above with respect to Higuchi taken alone.

In light of the foregoing, the Applicants respectfully submit that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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